

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ROGELIO CANTU,	§	
TDCJ#366370,	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. C-07-72
	§	
NATHANIEL QUARTERMAN,	§	
	§	
Respondent.	§	

ORDER GRANTING APPLICATION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS AND COLLECTION ORDER

Came on for consideration the Petitioner/Appellant's Application for Leave to Proceed *In Forma Pauperis* on Appeal (D.E. 41). The financial information attached to petitioner's *in forma pauperis* application reflects that while petitioner cannot afford to prepay the \$455 appellate filing fee, he can pay the fee in installments without undue hardship. Petitioner's appeal is not governed by the Prison Litigation Reform Act, but there is no prohibition against collection of the appellate filing fee in installments where an inmate has the ability to do so without undue hardship. Accordingly, the following order is entered:

1. The appellant is assessed an initial partial filing fee of \$6.00.
2. Thereafter, the appellant shall pay \$449.00, the balance of the \$455 filing fee, in periodic installments as required by 28 U.S.C. § 1915(b)(2). The agency shall forward 20% of each deposit made to the plaintiff's account whenever the balance in the account exceeds \$10. This amount shall be collected from the appellant's trust account, when funds are available, and forwarded to the Clerk of the District Court.

3. The plaintiff shall sign all consents and other documents required by the agency having custody of plaintiff to authorize the necessary withdrawal from the plaintiff's inmate trust account.

4. The application for leave to proceed *in forma pauperis* on appeal pursuant to 28 U.S.C. § 1915 (D.E. 41) is **GRANTED**.

5. The Clerk of Court will send a copy of this Order to TDCJ–Office of the General Counsel, P.O. Box 13084, Austin, Texas 78711.

ORDERED this 27th day of February, 2008.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE